

Title: Electric Pole Saw
Serial No. 10/692,050
Inventor: David Eugene Champlin
Attorney Docket No. ZP234-05048

REMARKS

Entry of the above included amendment prior to examination on the merits is hereby requested. This amendment constitutes a preliminary amendment under 37 CFR § 1.115.

The Examiner has restricted claims 23-38 into four different inventions, namely Invention I claims 23-31 drawn to an apparatus to identified under class 30, sub-class 383; Invention II identified as claims 32-36 drawn to class 30, sub-class 382; Invention III identified as claim 37 drawn to subject matter in class 30, sub-class 276; and Invention IV identified as claim 38 and drawn to subject matter set forth in class 30, sub-class 166.3.

Applicant's Attorney hereby provisionally elects Invention II, claims 32-36 but has amended all pending claims, claims 23-38, in order to properly align them into the same class identified by the Examiner in order to combine examination on the merits to all pending claims. Applicant's Attorney feels that the amendments properly place all of the claims in the same invention due to the following reasons.

The Examiner has restricted Inventions I and II citing the "power cord" set forth in claims 23-31 as being distinct from the first and second portion halves. Applicant's amendment to claims 23-31 removes the citation of the power cord and feels that the claims now reside and recite similarly classified subject matter as Invention II as recited and defined by the Examiner. Similarly, Invention III and Invention IV set forth and identified in claims 37 and 38 respectively and identified by the Examiner as being in class 30/276 for rotary blades and class 30/166.3 for saws are similarly drawn to a singular properly classified invention set forth in Invention II.

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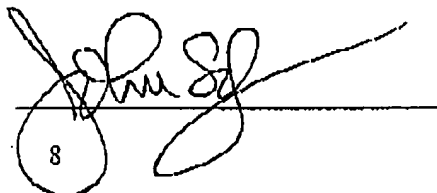
The Examiner has identified Inventions III and IV as being of different class even though Invention III has been restricted and identified as sub-class 276 for rotary blades in cutlery when no rotary blade is claimed. Further, the Examiner has restricted Invention IV as sub-class 166.3 identified as cutlery, cutting tools and saws of which the identified sub-classes 382 and 383 are indexed under. Therefore, Applicant's Attorney, after amendment of the pending claims in the above referenced application, feels that all the claims, 23-38 are properly identified as a single invention in a similar class and sub-class without need of restriction and hereby requests the Examiner move forward with examination of all pending claims.

If the Examiner feels that there are issues in regards to the pending claims which would prevent examination of all pending claims together in a single examination, Applicant's Attorney hereby requests the Examiner contact Applicant's Attorney to discuss such issues. Applicant's Attorney notes that the included preliminary amendment is made in order to properly place the claimed invention in similar classes for examination purposes only and are not made for reasons related to patentability.

If there are any questions in regards to these amendments or with respect to the proper classification of the claimed invention, Applicant's Attorney would appreciate a discussion with the Examiner to review such issues.

Respectfully submitted,

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